

ENTERED

August 10, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Rebecca Montierth, *et al.*,

Plaintiffs,

VS.

Forest River, Inc.,

Defendant.

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CIVIL NO. 4:22-CV-01335

ORDER SETTING SETTLEMENT CONFERENCE

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Christina Bryan for mediation. You are hereby notified that the mediation is scheduled for:

August 23, 2022, at 1:00 pm. via Zoom

REQUIRED ATTENDANCE AT THE SETTLEMENT CONFERENCE

Absent *advance approval* from the Court, the following persons or representatives must attend the mediation:

- The attorneys who will try the case;
- All parties (if the party is not an individual, then a representative of the party who maintains full authority to negotiate and decide the terms on which to settle the case);
- A representative of any insurance company that will be responsible for funding all or part of a settlement or whose consent is required to settle the case.

No other persons may participate in the mediation absent the advance consent of opposing counsel and Judge Bryan. For example, no experts, union representatives, or other third parties shall attend absent agreement *in advance* of the mediation. *See* S.D. TEX. LOCAL RULE 16.4.F.

ATTENDING THE SETTLEMENT CONFERENCE VIA ZOOM

Because of the coronavirus' impact on the operations of the federal courts, the Court will conduct this conference by videoconference using the Zoom platform. Instructions for joining the meeting will be emailed to all before the conference. Plan to join the conference at least 10 minutes before the scheduled hearing time.

In order to participate in the upcoming settlement conference, you will need the following:

Required Equipment

- a computer with a camera and microphone and access to internet service; or
- a smart phone with a camera

Required Software

- the Zoom app
 - If you will be using a computer during the settlement conference, the free Zoom software is available on the Zoom website (zoom.us). Click on the "Resources" tab at the top right of the screen and select "Download Zoom Client." Click the "Download" button under the heading "Zoom Client for Meetings" and follow the instructions.
 - If you will be using a smartphone during the settlement conference, the free Zoom software is available in the Apple Store for Apple devices and Google Play for Android devices.
- You do not have to register with Zoom.

PRIOR SETTLEMENT NEGOTIATIONS

If any settlement discussions have occurred prior to the settlement conference, the negotiations will pick up from those discussions. The parties shall not backtrack from positions agreed upon in prior settlement discussions.

CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT

No later than **12:00 pm on August 16, 2022** each party shall **email a confidential settlement conference statement to Judge Bryan's case manager, Melissa Morgan (melissa_morgan@txs.uscourts.gov)**. The confidential statement **should not be filed** with the Clerk of the Court, **nor served** upon the other parties. Brevity is encouraged.

The confidential mediation statement shall include the following:

1. A brief summary of the relevant procedural history, including any pending motions;
2. A brief statement of the facts of the case;

3. A brief statement of the claims and defenses, including the elements of each claim/defense, the statutory or legal authority for the claims/defenses, and citations to important case law;
4. The relief sought in the lawsuit;
5. A description of the major issues in dispute;
6. An estimate of the cost and time to be expended for further discovery, pretrial and trial;
7. A forthright evaluation of the parties' likelihood of prevailing on the claims and defenses;
8. A description of the party's positions regarding settlement, including a history of past settlement discussions, offers and demands and any perceived obstacles to settlement;
9. The name, title, and responsibilities of each person that will attend the mediation.

PRE-SETTLEMENT CONFERENCE CALL

The Court will hold a conference call with attorneys only on **August 22, 2022, at 11:00 a.m.** The purpose of the call is to discuss the process of and preparation for the Settlement Conference. If any counsel desires to speak to Judge Bryan *ex parte* regarding a confidential issue or any issue she does not want to discuss in front of opposing counsel, counsel may schedule a subsequent *ex parte* call. **The parties shall call at the appointed date and time: 713-250-5025, Conference ID: 45025, and Conference Password: 13579.** Once these steps are completed you are ready to begin the conference

Court Procedures: Information on the Court's practices and procedures and how to reach Court personnel may be obtained at the Clerk's website at www.txs.uscourts.gov or from the intake desk of the Clerk's office.

Signed on August 10, 2022, at Houston, Texas.


Christina A. Bryan
United States Magistrate Judge